IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5125 OF 2005

Shri Ramdas Sadashiv
Gawali . .. Petitioner.

vs.

Shri. Ganpati Sukha
Shrikhande & Ors. .. Respondents.

Mr. N.V. Gangal for petitioner.
Mr. M.M. Sattye for respondents nos.2 to 4.

CORAM : S.U. KAMDAR, J.
DATE : 12th December, 2005.

P.C.:

. The present petition challenges the order dated 9.6.2005 by which the Joint Civil Judge, Senior Division, Nashik has refused to take the written statement on record. On the facts of the present case, I am of the opinion that the trial Court ought to have condoned the delay in filing the written statement in the said suit in application being Exhibit 30 to the said proceedings. However, in the circumstances of the aforesaid case, while setting aside the order dated 9.6.2005 I direct that

the written statement be taken on record if it is filed within a period of one week. If the petitioner is seeking that stay to the interlocutory application be treated as a written statement then an affidavit to that effect to be filed within one week from today. The petitioner is directed to pay costs to the respondent quantified at Rs. 2000/- Hearing of the suit is expedited.